

10	54	40
Sec.	Twp.	Range

**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

RECEIVED
210-016
FEB 17 2010

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

LIST ALL FOLIO #S: 30-4010-000-0020

Date Received

1. **NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Tadpole Investments, Inc., dba Marquise Jewelry

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 8561 SW 24th Street

City: Miami State: Florida Zip: 33155 Phone#: (305) 266-8420

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): Columbia – BBB Westchester Shopping Center Associates

Mailing Address: c/o Ideal Management, 12602 SW 88th Street

City: Miami State: FL Zip: 33186-1867 Phone#: (305) 662-8999

4. **CONTACT PERSON'S INFORMATION:**

Name: Augusto Maxwell Company: Akerman Senterfitt

Mailing Address: One Southeast Third Avenue, 25th Floor

City: Miami State: Florida Zip: 33131-1714

Phone#: (305) 755-5827 Fax#: (305) 374-5095 E-mail: augusto.maxwell@akerman.com

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

10 54 40 18.896 AC M/L S785FT OF W1250FT & S50 FT & LESS E 150FT OF W335FT OF N150FT OF S253.20FT & LESS BEG 912.12FTE & 50FTN OF SW COR OF SEC CONT N244FT W140.37FT.

6. **ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

8561 Southwest 24 Street at the cross-section between 87th Avenue and 24th Street.

7. **SIZE OF PROPERTY** (in acres): 19 Acres (total) (divide total sq. ft. by 43,560 to obtain acreage)

1125 ft (leased by Applicant)

8. **DATE** property ☐ acquired ☒ leased: March 2002 (month & year)

9. **Lease term:** 10 years

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BY

PTXA 2275 SW 87 Ave

10. **IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S)**, provide complete legal description of said contiguous property.

Not Applicable

11. **Is there an option** to purchase ☐ or lease ☐ the subject property or property contiguous thereto? ☒ no ☐ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. **PRESENT ZONING CLASSIFICATION:** BU-2

13. **APPLICATION REQUESTS** (Check all that apply and describe nature of the request in space provided) (DBC's require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

- ☐ District Boundary Changes (DBC) [Zone class requested]: _____
- ☐ Unusual Use: _____
- ☐ Use Variance & Special Exception: to permit a jewelry pawn shop in connection with a jewelry store in the BU-2 district as would be permitted in the BU-3 district.
- ☐ Alternative Site Development: _____
- ☐ Modification of Declaration or Covenant: _____

14. **Has a public hearing been held on this property within the last year & a half?** ☒ no ☐ yes. If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. **Is this hearing is as a result of a violation notice?** ☐ no ☒ yes. If yes, give name to whom the violation notice was served: Tadpole Investment, Inc. d/b/a Marquise Jewelry and describe the violation:

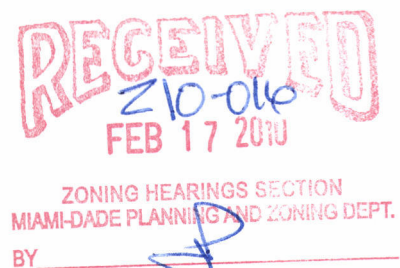
Unauthorized use in a Business – Special District (BU-2)

16. **Describe structures on the property:** Strip Mall

17. **Is there any existing use on the property?** ☐ no ☒ yes. If yes, what use and when established?

Use: SEE ABOVE

Year: 2002



APPLICANT'S AFFIDAVIT
TADPOLE INVESTMENTS, INC.

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

CORPORATION AFFIDAVIT

(I)(WE), Lino Alvarado, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☒ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☒ Lessee of the property described herein and which is the subject matter of the proposed hearing.

Attest: [Signature]

(Corp. Seal)

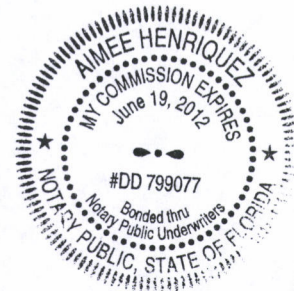
[Signature]

Authorized Signature FDL #A 416-530-60-041-

Office Held

Sworn to and subscribed to before me
this 17 day of SEP August, 2009

Notary Public: [Signature]
Commission Expires: June 19, 2012



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210-06
FEB 17 2010

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY [Signature]

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list the principals, including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s), or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest.]

PARTNERSHIP NAME: <u>Tadpole Investments, Inc.</u>		
NAME AND ADDRESS		Percentage of Stock
Lino Alvarado, 8561 Coral Way, Miami, FL 33155		50%
Maria Alvarado, 8561 Coral Way, Miami, FL 33155		50%

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

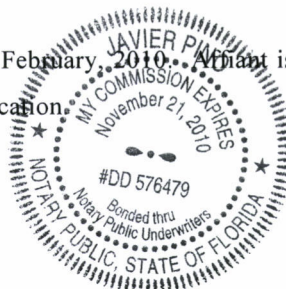
Signature: *Lino Alvarado*
 Print Name: Lino Alvarado
 Title: Sec.

Tadpole Investments, Inc.

Sworn to and subscribed before me this 17 day of February, 2010. Applicant is personally known to me or has produced 547-A416-530-60.041-0 as identification.

[Signature]
 (Notary Public)

My commission expires 11/21/2010



* Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed.
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075



(Applicant's Signature)

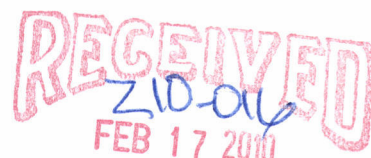
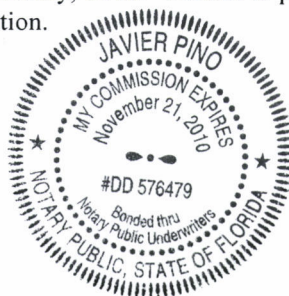
Lino Alvarado

(Print Name)

Sworn to and subscribed before me this 17 day of February, 2010. Affiant is personally known to me or has produced FL DM 416 530 60 0410 as identification.

(Notary Public)

My commission expires 11/21/2010



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY 

OWNERSHIP AFFIDAVIT FOR PARTNERSHIP

MIAMI-DADE COUNTY

STATE OF FLORIDA

Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Gary A. Brown, hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the representative of Columbia – BBB Westchester Shopping Center Associates, with the following address: c/o Ideal Management, 12602 SW 88 Street, Miami, FL 33186-1867

2. Columbia – BBB Westchester Shopping Center Associates, a Florida General Partnership, owns the property, which is the subject of the proposed hearing.

3. The subject property is legally described as: SEE ATTACHED

4. Tadpole Investments, Inc. is legally authorized to file this application for public hearing.

5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Columbia-BBB Westchester Shopping Center Associates, BY: B.B.B. West, Inc.
Its partner

Witnesses:

Signature

Print Name

Signature

Print Name

Signature

Gary A. Brown, President
Print Name

Sworn to and subscribed before me on the 14th day of August, 2009. Affiant is personally known to me or has produced _____ as identification.



Notary Public Signature

Print Name

State of _____

My Commission Expires: _____

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

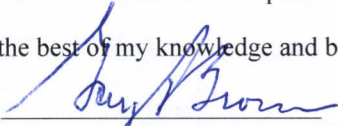
DISCLOSURE OF INTEREST*

If a **PARTNERSHIP** owns or leases the subject property, list the principals, including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s), or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest.]

PARTNERSHIP NAME: <u>Columbia – BBB Westchester Shopping Center Associates</u>		
NAME AND ADDRESS		Percentage of Stock
Columbia – BBB Westchester Shopping Center Associates		100%

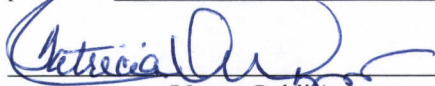
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

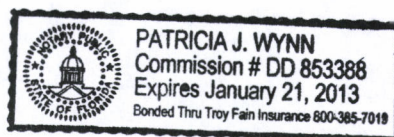
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: 
By: B.B.B. West, Inc., Its partner
Print Name: Gary A. Brown
Title: President

**Columbia – BBB Westchester Shopping Center
Associates, a Florida General Partnership**

Sworn to and subscribed before me this 14th day of August, 2009. Affiant is personally known to me or has produced _____ as identification.


(Notary Public)

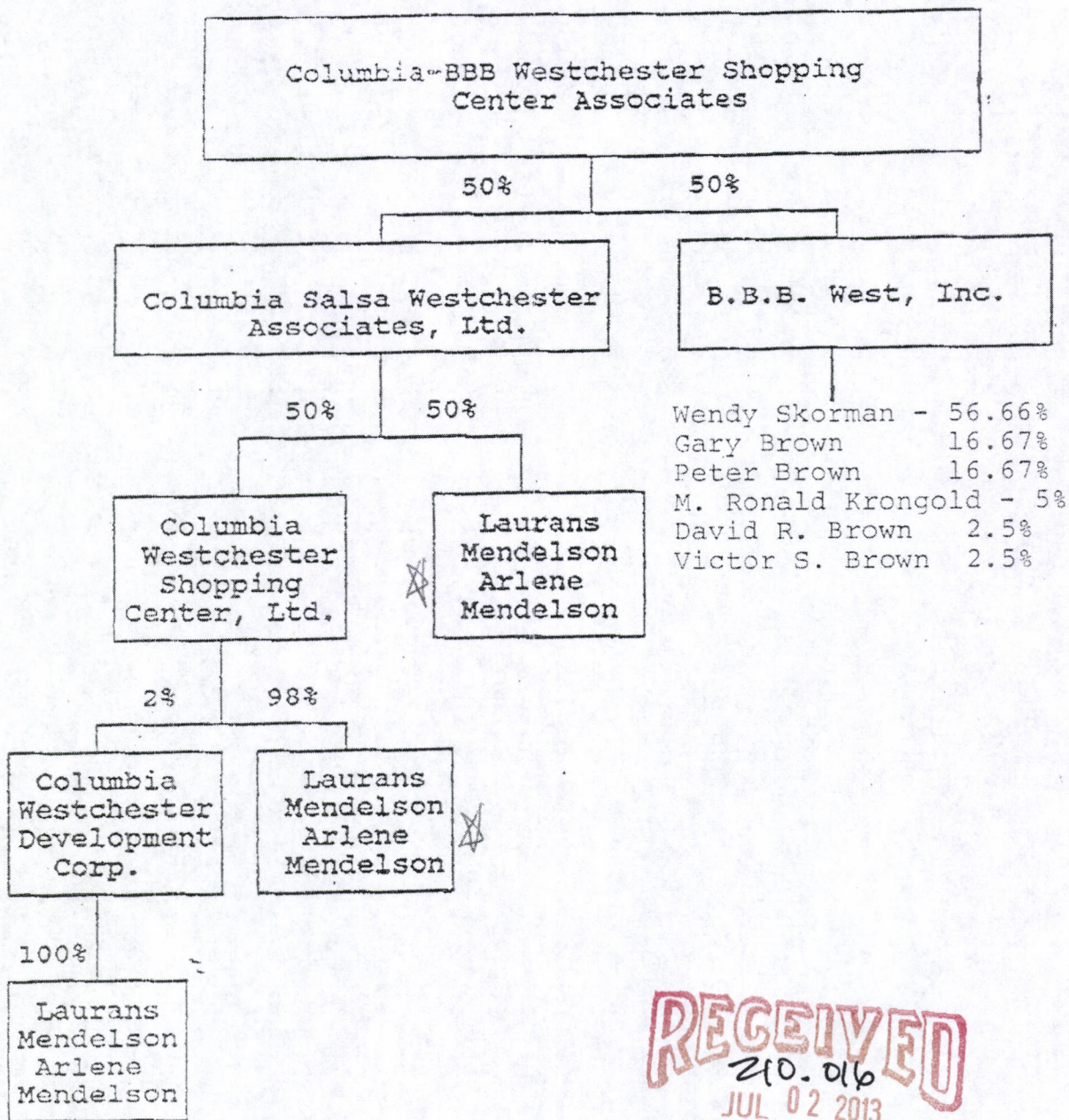


My commission expires _____

- * Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY

* Laurans Mendelson & Arlene Mendelson each have a 50% share of the listed interest

P.H.# _____

**Owner's Sworn-to-Consent
Permitting Leasee to File for a Hearing**

I, Gary A. Brown, as representative for Columbia – BBB Westchester Shopping Center Associates, a Florida General Partnership, which is the Owner of the property legally described below and which is the subject of the proposed hearing, do hereby grant consent to Tadpole Investments, Inc., as Leasee, to file this application for public hearing.

Legal Description:

SEE ATTACHED

WITNESSES:

Signature

Print Name

Signature

Print Name

Columbia-BBB Westchester Shopping Center Associates BY: B.B.B. West, Inc.
Its partner

Signature Gary A. Brown, President

Print Name

Address:
c/o Ideal Management Company
12602 SW 88 Street
Miami, Florida 33186

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

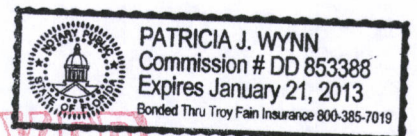
The foregoing instrument was acknowledged before me by GARY A BROWN Columbia – BBB Westchester Shopping Center Associates' Representative, to me personally known or produced _____, as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized under the trust to execute said instrument on behalf of the beneficiaries of the trust.

Witness my signature and official seal this 14th day of August 2009, in the County and State aforesaid.

Notary Public-State of _____

My Commission Expires:

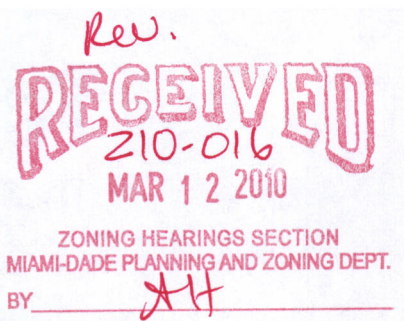
Print Name



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FEB 17 2010

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

Tadpole Investments, Inc.
No.: Z2010-000016



LEGAL DESCRIPTION:

A PORTION OF THE SOUTHWEST, $\frac{1}{4}$ OF SECTION 10, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 10 AND RUN NORTH 88 DEGREES 03 MINUTES 56 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 10 FOR 98.12 FEET; THENCE NORTH 01 DEGREES 56 MINUTES 04 SECONDS WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND (SAID POINT BEING ON A CURVE AND BEARING SOUTH 01 DEGREES 56 MINUTES 04 SECONDS EAST FROM THE RADIUS POINT OF THE NEXT DESCRIBED CURVE) THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 89 DEGREES 10 MINUTES 10 SECONDS FOR AN ARC DISTANCE OF 77.82 FEET TO A POINT OF REVERSE CURVATURE); THENCE NORTHWESTERLY ALONG A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 1950.86 FEET AND A CENTRAL ANGLE OF NORTH 01 DEGREES 58 MINUTES 04 SECONDS FOR AN ARC DISTANCE OF 67.02 FEET TO A POINT OF TANGENCY; THENCE, NORTH 04 DEGREES 44 MINUTES 00 SECONDS WEST FOR 150.00 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 1868.86 FEET AND A CENTRAL ANGLE OF 03 DEGREES 00 MINUTES 01 SECONDS FOR AN ARC DISTANCE OF 97.86 FEET TO A POINT OF TANGENCY; THENCE NORTH 01 DEGREES 43 MINUTES 59 SECONDS WEST, ALONG A LINE PARALLEL WITH AND 35.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 10 FOR 1215.00 FEET; THENCE SOUTH 01 DEGREES 43 MINUTES 56 SECONDS EAST ALONG A LINE PARALLEL WITH THE WEST LINE OF THE SOUTH WEST $\frac{1}{4}$ OF SAID SECTION 10 FOR 735.00 FEET; THENCE SOUTH 88 DEGREES 03 MINUTES 56 SECONDS WEST ALONG A LINE PARALLEL WITH AND 50.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 10, FOR 408.25 FEET; THENCE NORTH 01 DEGREES 43 MINUTES 59 SECONDS WEST, ALONG A LINE PARALLEL WITH AND 841.75 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 10, FOR 200.00 FEET; THENCE SOUTH 88 DEGREES 03 MINUTES 56 SECONDS WEST, ALONG A LINE PARALLEL WITH AND 250.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 10, FOR 160.00 FEET; THENCE, SOUTH

01 DEGREES 43 MINUTES 59 SECONDS EAST ALONG A LINE PARALLEL WITH AND 681.75 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 10, FOR 200.00 FEET; THENCE SOUTH 88 DEGREES 03 MINUTES 56 SECONDS WEST, ALONG A LINE PARALLEL WITH AND 50.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 10, FOR 583.78 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS THEREOF:

PARCEL "A"

THE EAST 160.00 FEET OF THE WEST 841.75 FEET OF THE NORTH 130.00 FEET OF THE SOUTH 250.00 FEET OF THE SOUTHWEST ¼ OF SECTION 10, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

PARCEL "B"

THE EAST 55.00 FEET OF THE WEST 896.75 FEET OF THE NORTH 130.00 FEET OF THE SOUTH 250.00 FEET OF THE SOUTHWEST ¼ OF SECTION 10, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

PARCEL "C"

THE EAST 80.00 FEET OF THE WEST 761.75 FEET OF THE NORTH 15.00 FEET OF THE SOUTH 265.00 FEET OF THE SOUTHWEST ¼ OF SECTION 10, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

PARCEL "D"

THE EAST 160.00 FEET OF THE WEST 841.75 FEET OF THE NORTH 70.00 FEET OF THE SOUTH 120.00 FEET OF THE SOUTHWEST ¼ OF SECTION 10, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

PARCEL "E"

THE EAST 100.00 FEET OF THE WEST 681.75 FEET OF THE NORTH 130 FEET OF THE SOUTH 250.00 FEET OF THE SOUTHWEST ¼ OF SECTION 10, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

PARCEL "F"

THE EAST 208.00 FEET OF THE WEST 969.75 FEET OF THE NORTH 174.00 FEET OF THE SOUTH 294.00 FEET OF THE SOUTHWEST ¼ OF SECTION 10, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

PARCEL "G"

THE EAST 128.00 FEET OF THE WEST 969.75 FEET OF THE NORTH 70.00 FEET OF THE SOUTH 120.00 FEET OF THE SOUTHWEST ¼ OF SECTION 10, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

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MAR 12 2010

ZONING HEARINGS SECTION
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BY

Alt

Rw.

ALSO
PARCEL II:

PARCEL "X"

THE EAST 67.63 FEET OF THE WEST 969.75 FEET OF THE NORTH 244.00 FEET
OF THE SOUTH 294.00 FEET OF THE SOUTHWEST ¼ OF SECTION 10,
TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

rw
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ZONING HEARINGS SECTION
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BY *xtt*